

1. Examiner's Comments

2. Claims 1-9, and 11 are allowable. The restriction requirement between inventions of group I, drawn to claim 10 and group II, drawn to claims 1-9, and 11, as set forth in the Office action mailed on 6/19/06, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claim 10, which required all the limitations of an allowable claim, previously withdrawn from consideration as a result of the restriction requirement, was canceled by applicant in the reply filed on 9/19/06. The canceled, nonelected claim(s) may be reinstated by applicant if submitted in a timely filed amendment in reply to this action. Upon entry of the amendment, such amended claim(s) will be examined for patentability under 37 CFR 1.104.

In view of the withdrawal of the restriction requirement as set forth above, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Graham on 1/8/09 and Mark Boland on April 24, 2009.

A. The specification is amended as follows wherein the following text is added on page 22, line 12, just before the section "Materials and methods":

BRIEF DESCRIPTION OF THE DRAWINGS

Various features, aspects, and advantages of the present disclosure will be further shown or described by reference to the following detailed description, appended claims, and accompanying drawing figures and/or illustrations, wherein features are not to scale so as to more clearly show details, wherein like reference numbers refer to like or similar features throughout the several views, and wherein:

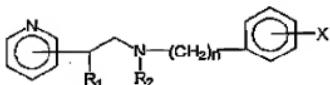
FIG. 1 is a schematic diagram showing aspects of cholesterol biosynthesis in which commonly used substrates $\Delta 8$ -cholestolen and zymosterol differ in saturation of the side chain at position $\Delta 24, 25$;

FIG. 2 is a schematic diagram showing aspects of cholesterol biosynthesis in which sites of action of inhibitors are marked;

FIG. 3 is a graphical illustration with two graphs that depict amounts of radiolabeled cholesterol containing various inhibitors;

FIG. 4 is a graphical illustration with two graphs that depict amounts of radiolabeled intermediate sterol X eluted after cholesterol;

FIG. 5 is a schematic diagram showing aspects of a chemical process for making one or more derivatives of pyridylethanol (phenylethyl) amine of the formula



wherein

n is an integer from 1 to 4;

R₁ is a hydrogen atom, hydroxyl group or lower C₁₋₆ alkoxy group;

R₂ is a hydrogen atom or a straight or branched lower C₁₋₆ alkyl group; and

X is hydrogen, fluorine, chlorine, bromine, hydroxyl group, trifluoromethyl group, 3,4-di-Cl, 2,4-di-Cl or lower C₁₋₆ alkoxy group;

B. In line 9, of claim 11, page 4, the phrase "a salt" is amended to – or a physiologically acceptable acid addition salt thereof".

C. Claim 10 remains cancelled without prejudice to the applicant filing a divisional or continuation application on this claim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binta M. Robinson whose telephone number is (571) 272-0692. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 571-272-0670.

A facsimile center has been established. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier numbers for accessing the facsimile machine are (703)308-4242, (703)305-3592, and (703)305-3014.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-1600.

/Binta M Robinson/
Examiner, Art Unit 1625